

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Applications Numbered 14436, 14437, and 14438 of Hope Village Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraphs 3105.46 and 3105.475 to use all floors and the basements of the subject three premises as adult rehabilitation homes and substance abusers homes; to permit said sites to be established within the same square as other community based residential facilities with five or more persons, and for a variance to establish said sites for 42, 36, and 42 persons respectively (Paragraph 3105.46) in an R-5-A District at premises 2840, 2908, and 2850 Langston Place, S.E., (Square 5741, Lots 131, 863, and 130 respectively).

HEARING DATE: May 21, 1986
DECISION DATE: July 23, 1986

FINDINGS OF FACT:

1. The sites of these consolidated applications are 2840, 2908, and 2850 Langston Place, S.E. (Square 5741, Lots 131, 863, and 130 respectively).
2. The sites are located in an R-5-A District.
3. The applicant is requesting authority to use each site as an adult rehabilitation home and a substance abusers home.
4. A community residence facility is currently located on each of the premises.
5. The premises are currently authorized to house the following numbers of residents:
 - a. 2840 Langston Place, S.E. - 42 people;
 - b. 2908 Langston Place, S.E. - 36 people; and
 - c. 2850 Langston Place, S.E. - 42 people.

These population numbers are identical to those which are requested in these applications.

6. A community residence facility may be a halfway house, but may not house persons who are in the custody of the District of Columbia Department of Corrections.

7. An adult rehabilitation home may house persons who are 16 years of age or older, and who are charged by the United States Attorney with a felony offense; or persons who are 21 years of age or older under pre-trial detention or sentenced court orders.

8. A substance abusers home may house persons who have been diagnosed by a physician as abusers of alcohol, drugs, or other controlled substances.

9. In addition to the premises which are the subject of this proceeding, other Community Based Residential Facilities are located within Square 5741, as follows: at 2844, 2912, and 2920 Langston Place, S.E. Together with the facilities on the subject sites, these facilities constitute the complex known as Hope Village.

10. The District of Columbia government has requested use of the premises to relieve the critical shortage of housing for persons in custody of the Department of Corrections.

11. The projected use is for persons who have 6 months or less remaining in confinement.

12. The habilitation and rehabilitation programs at the premises are structured to emphasize personal responsibility and employment goals. The programs provide residents with appropriate counseling for drug and alcohol abuse, family relationships, work habits, personal financial management, and the constructive use of leisure time.

13. Since 1982, community based residential facilities located at Hope Village, but not at the premises which are the subjects of these applications, have included among their populations persons who are in the custody of the Federal Bureau of Prisons, as distinguished from the Department of Corrections, but who otherwise fall within the category of persons who would be residents of a substance abusers home or adult rehabilitation home.

14. Approval of these applications would not alter the current land use pattern in Square 5741 or the surrounding neighborhood.

15. Based upon the number of current and proposed residents and employees at the entire Hope Village complex, and the circumstance that the vast majority of residents who have jobs use public transportation, the proposed facilities, together with the rest of Hope Village, would have no

significant impact on the neighborhood because of traffic or parking. The Hope Village parking lot is appropriately located, and is adequate to serve the staff, the few visitors, and the limited number of residents who are allowed to possess cars. The conditions to approval will ensure appropriate screening of the parking area.

17. Although the record includes evidence of neighborhood concern over the cumulative impact of the entire Hope Village facility, approval of the applications, if controlled by appropriate conditions, will not create conditions which are incompatible with the surrounding residential neighborhood.

18. The premises are located within the boundaries of Advisory Neighborhood Commission (ANC) 8B. ANC 8B did not submit written recommendations about the applications. The Chairperson of ANC 8B participated as an individual party.

19. The extant operation of Hope Village has only a moderate impact upon the surrounding community. The proposed changes would not significantly increase that impact.

20. With particular respect to the level of criminal activity in the area, the record does not support a finding that Hope Village does now, or would as proposed, contribute disproportionately to that activity. Conditions to an approval, related to external security, will reasonably protect the community from such activity.

21. Variance relief is essential to prevent the non-use, and resulting waste, of the available space within the existing improvements on the sites.

22. Appropriate conditions to an order will ensure that the proposed facilities meet all applicable regulatory and licensing requirements.

23. Compliance by the applicant with its community security plan (Exhibit No. 52 in Case No. 14436), will ensure that neither the proposed facilities, nor Hope Village as a whole, will unreasonably threaten the peace and security of the surrounding community. The Board will require compliance with the plan.

24. Community peace and security will be further protected by actions of the Department of Corrections and Metropolitan Police Department to establish liaison position between Hope Village and their respective departments.

25. Approval of the applications will not have an impact on the neighborhood beyond the type of impact which is

normally associated with uses which are permitted as a matter-of-right in the R-5 District.

CONCLUSIONS OF LAW AND OPINION:

The applicant is seeking two special exceptions and a variance in each of these applications. The special exceptions are sought pursuant to Paragraph 3105.46, which requires that the applicant demonstrate that the use will comply with the standards of Sub-paragraphs 3105.471 to 3105.476, and that the relief which is requested will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

Based upon the foregoing findings of fact, and the conditions hereinafter imposed, the Board concludes:

1. Each facility will have adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
2. Each proposed facility will meet all applicable code and licensing requirements;
3. None of the proposed facilities will have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
4. The cumulative effect of the existing and proposed Hope Village facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
5. The program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

As to the requested variances, the Board concludes that they are use variances, but have significant characteristics of non-use variances. The requested variances would not change the identity of the use which may be conducted at the sites through approval by the Board of Zoning Adjustment; rather, they would change the extent to which that use may be conducted.

The Board concludes that the applicant has met its burden of proof, pursuant to Section 8207.11 of the Zoning Regulations, and that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the applications are GRANTED, SUBJECT to the following CONDITIONS:

1. The facilities must meet all applicable regulatory and licensing requirements.
2. Approval is limited to a period of TWO YEARS. The applicant shall file all necessary applications for extension of this period no later than eighteen months after the date of this order.
3. The number of residents shall not exceed the following:

Square 5711, Lot 131 (2840
Langston Place, S.E.): 42;


Square 5741, Lot 863 (2908
Langston Place, S.E.): 36; and

Square 5741, Lot 130 (2850
Langston Place, S.E.): 42.
4. Off-street parking shall comply with the provisions of Section 7404 of the Zoning Regulations.
5. The facilities shall be operated by Hope Village, Inc.
6. The applicant shall cooperate fully with liaison representatives of the Department of Corrections and Metropolitan Police Department.
7. Applicant shall establish an advisory committee, and shall invite representatives of community groups and neighboring residents to be on the committee. The applicant shall also invite the liaison representatives of the Department of Corrections and Metropolitan Police Department to serve on the committee.
8. The applicant shall adhere scrupulously to the community security plans and other plans set forth in the letter dated July 8, 1986, Exhibit No. 52 in the record of Case No. 14436.
9. The applicant shall install, and thereafter maintain in good condition, the plants and materials which are specified in the proposal which is attached to the letter dated June 6, 1986, Exhibit No. 33 in the record of Case No. 14436.

Vote 3-1 (Charles R. Norris and Carrie L. Thornhill to grant, and Patricia N. Mathews to grant by proxy; William F. McIntosh to deny; and Paula L. Jewell not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 13 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14436-37-38order/LJPU